

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
	§	
v.	§	1:10cr102-HSO-RHW-1
	§	1:16cv232-HSO
	§	
JETHRO BROWN	§	

**ORDER DENYING MOTION TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY**

BEFORE THE COURT is the Motion [133] to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody filed by Defendant Jethro Brown pursuant to 28 U.S.C. § 2255. This is the second such Motion that Brown has filed in this case, *see* Mot. [114], and therefore, Brown requested permission to file a successive motion from the United States Court of Appeals for the Fifth Circuit, *see* Notice [159]; *In re Jethro Brown*, No. 16-60439 (5th Cir. June 27, 2016). Brown's request for relief was based upon the United States Supreme Court's decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015).

The Fifth Circuit denied Brown's motion for authorization to file a successive § 2255 motion. *In re Jethro Brown*, No. 16-60439, Order [25] (5th Cir. Aug. 16, 2016). Accordingly, this Court is without jurisdiction to consider Brown's successive § 2255 motion. *See United States v. Hernandez*, 708 F.3d 680, 681-82 (5th Cir. 2013) (holding that a district court has no jurisdiction to consider a successive § 2255 motion); *see also In re Kerns*, 623 F. App'x 186, 187 (5th Cir. 2015) ("A district

court lacks jurisdiction to consider a successive application if the prisoner has not received this court's authorization to file it."). Brown's Motion must be denied.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Motion [133] to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody filed by Defendant Jethro Brown pursuant to 28 U.S.C. § 2255 is **DENIED** for lack of jurisdiction.

SO ORDERED AND ADJUDGED, this the 31st day of October, 2016.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE